IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SECOND DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO: 15691 of 2004

Between:

M.A. Razzak, S/o. M.A. Hakeem, Occ: Teacher,
ARM High School, Old Feel Khana Begum Bazar,

Hyderabad -12.

..... PETITIONER

AND

1 The Commissioner and Director School Education A.P.
Saifabad, Hyderabad.
2 The Regional Joint Director of School Education
Kachiguda, Hyderabad-27.
3 The D.E.O., Hyderabad.
4 The Correspondent, ARM High School,
Old Feel Khana, Begum Bazar, Hyderabad-12.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate order or directions more particularly in the nature of Writ of Mandamus directing the respondents 1 to 4 herein to consider the case of the petitioner for promotion as School Assistant in social studies in 4th respondent institution.

Counsel for the Petitioner: MR.M.A.NADEEM

Counsel for the Respondent Nos.1 to 3: GP FOR EDUCATION
Counsel for the Respondent No.4: None appeared.

The Court at the stage of admission made the following:

HONOURABLE DR. JUSTICE G.YETHIRAJULU

WRIT PETITION NO.15691 OF 2004

ORDER:

The petitioner contends that he is working as a Secondary Grade Teacher (SGT) in the 4th respondent institution since 22-12-1983. He claims that he acquired qualifications for appointment as a School Assistant in Social Studies. When there was a vacancy of School Assistant in Social Sciences, the management of the 4th respondent proposed the name of the petitioner for consideration through its recommendation dated 25-2-2003 to the third respondent. But the second respondent did not approve the said recommendation made by the 4th respondent on the ground that the petitioner did not possess the requisite qualification to hold the post of School Assistant (Social Sciences).

2. The petitioner therefore, approached this Court contending that he possessed the requisite qualifications and he further contends that though he is a B.Com graduate, he did his B.Ed., in Social Sciences. The order of the second respondent dated 17-05-2004 did not refer to G.O.Ms.No.71. The petitioner is not only claiming that the B.Ed., in Social Sciences is sufficient to hold the post, but also contending that he is pursuing his B.A., degree in Social Sciences from Ambedkar Open University, Hyderabad.

3. In the light of the above circumstances, the petitioner is directed to make a fresh representation to the 4th respondent, and the 4th respondent shall inturn forward it to the third respondent and after forwarding of the same, the second respondent shall consider the said representation in the light of G.O.Ms.No.71 dated 07-06-2003 and pass appropriate orders according to the existing Rules and the G.Os. in force, within one month from the date of receipt of the file from the third respondent.

4. The Writ Petition is accordingly disposed of. No order as to costs.

Dr. G.YETHIRAJULU, J

02nd September, 2004

SKM

To

1 The Commissioner and Director School Education A.P.
Saifabad, Hyderabad.
2 The Regional Joint Director of School Education
Kachiguda, Hyderabad-27.
3 The D.E.O., Hyderabad.
4 The Correspondent, ARM High School,
Old Feel Khana, Begum Bazar, Hyderabad-12.

5 Two CCs to Government Pleader for Education,

High Court Buildings, Hyderabad. (OUT)

6 Two CD copies.